

REMARKS

By the present amendments, claims 1-3, 6, 10, 16, 19, 21-22, 25 and 28 have been amended and claims 1-28 remain under consideration in the present application. No claim has yet been allowed.

Amendments to the claims have been made to clarify their meaning, and the description, of what applicant believes to be a unique and inventive label concept. No change in scope has been intended. It is important to note that the present claims require adhesives of two different adhesive types or classes to be used in the construction of the same label booklet. The claims describe a multi-ply or booklet-type label in which the hinge of the booklet is constructed using an adhesive that is "tack-free" as it exists in the assembled label (see claims 1(c), 21(c) and specification page 3, line 20-21, etc). The claimed multi-ply or booklet label also requires a release-reseal system to allow opening and closing of the multi-ply label (see claim 1(d), 21(d), etc.) to be opened and resealed. The release-reseal system requires a second, different adhesive type which must remain "tacky" and pressure sensitive.

Applicant has also deleted the word "permanent" from the claims. That term, as the Examiner has pointed out, may be

difficult to understand in the present context and, applicant believes, has often been misused by others in the field.

With respect to the objections and rejections in the present Office Action having to do with the characterization of the adhesives, the present claim language is believed clear as it is quite easy for one to determine whether a material remains "tacky" or becomes "tack-free" without any need for undo or prolonged experimentation. In this regard, it should also be noted that the adhesives recited in the Markush groups of claims 2 and 28 do all cure to a "tack-free" state. This is not refuted by any of the references. They do not suggest these recited adhesives.

In view of the amendments and of the above remarks, applicant believes that he has met the rejections and objections raised under 35 USC § 112 and respectfully requests that the Examiner reconsider and withdraw them.

The rejections based on 35 USC § 102(b), 35 USC § 102(e) and 35 USC § 103(a) will now be addressed. Applicant believes there are important distinctions between the present claims and the material disclosed in the cited references, taken either singularly or in combination, which render the present claims patentably distinct.

The primary reference, Baum, Jr. et al '137, describes a label that uses a single type of adhesive to perform both the task of adhering the hinge of top sheet 14 to base sheet 12 in a first zone 46 and releasably adhering top sheet 14 in a second zone 48 so that it may be opened. That patent clearly does not teach or suggest the requirement of using two different adhesive types. With regard to the Baum, Jr. et al reference, it is noted that the Examiner in Item 4 of the Official Action refers to adhesive means 28 as susceptible of being "a pressure sensitive adhesive layer or another adhesive system as is known in the art". Adhesive 28 is utilized only to adhere the label to an object to be labeled and should not be confused with the adhesives used in the construction of the hinge or in the reseal system of the label itself. Also, with respect to any suggestion about the modification of adhesive 44, that refers only to modifying the tackiness or pressure sensitive adhesion characteristics of the adhesive and does not by any means suggest a total change in adhesive type.

Thus, it is clear that Baum, Jr. et al '137 does not teach or suggest the use of adhesives from two different classes in the construction of a booklet label in which an adhesive from one class is used for the hinge and an adhesive from a different class is utilized in the release-reseal system. The tenuous

suggestion that the adhesive might be modified found in the reference is at best merely an invitation to experiment or try other similar adhesives; and, it is well known, of course, that a reference that merely suggests the possibility of trying, or invites one to try, alternatives cannot be used to render such alternatives obvious.

Likewise, Hill '587 teaches and proposes only the use of a single adhesive in a multi-ply label which may be modified by the use of a release-reseal coating strip 24 to provide the mechanical adhesion differential between that of the cover panel hinge 40 and the reseal tab 42 (see, for example, column 4, lines 11-21). It is noted that the same construction as in Hill '587 is utilized in the Baker '022 reference and so that adds nothing which would bring one any closer to applicant's present claims. The Coward et al '973 reference clearly employs a single adhesive material 7 for his hinge and his release system combining that with a release substance 4 to modify the adhesion for opening and resealing the booklet. This, like the other references, fails to teach the requirement of using adhesives from different classes to perform different functions within the booklet construction itself as is required by the present claims.

It is the applicant's belief that none of the references cited either singularly or in combination would lead one to the multi-ply or booklet label construction required by the present claims. At best, there may be a weak invitation to try different adhesives or adhesive system combinations or some indication that others may possibly be used; however, nowhere is it suggested that a pressure sensitive or tacky adhesive should be replaced by a non-tacky material in the construction of a hinge of the booklet label.

Applicant's novel advance accomplishes a heretofore unrecognized improvement in hinge bonding for resealable booklet-type labels. The tack-free or dry hinge further solves a long-standing problem in the art associated with pressure sensitive adhesives involving the shifting of pages and oozing and migration of adhesive particularly encountered in hot weather environments.

In view of the above amendments, taken together with the remarks herein, applicant believes his claims to be allowable over any of the references taken singularly or in combination

and reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

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